

**DECLARATION AND POWER OF ATTORNEY FOR
PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

A Method and System for Optimizing Energy Consumption and Cost

the specification of which (check one)

 X is attached hereto.

 was filed on
as Application Serial No.
and was amended on
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):
Priority Claimed

<u> </u>	<u> </u>	<u> </u>	<u> </u> Yes <u> </u> No
(Number)	(Country)	(Day/Month/Year)	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided

by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial #)

(Filing Date)

(Status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

John W. Henderson, Jr., Reg. No. 26,907; James H. Barksdale, Jr., Reg. No. 24,091; Thomas E. Tyson, Reg. No. 28,543; Robert M. Carwell, Reg. No. 28,499; Jeffrey S. LaBaw, Reg. No. 31,633; Douglas H. Lefevre, Reg. No. 26,193; Casimer K. Salys, Reg. No. 28,900; David A. Mims, Jr., Reg. No. 32,708; Mark E. McBurney, Reg. No. 33,114; Anthony V. England, Reg. No. 35,129; Volel Emile, Reg. No. 39,969; Leslie A. Van Leeuwen, Reg. No. 42,196; Christopher A. Hughes, Reg. No. 26,914; Edward A. Pennington, Reg. No. 32,588; John E. Hoel, Reg. No. 26,279; Joseph C. Redmond, Jr., Reg. No. 18,753; and Marilyn S. Dawkins, Reg. No. 31,140, Cynthia S. Byrd, Reg. No. 39,365 and Darcell Walker, Reg. No. 34,945.

Send all correspondence and other communication to:
 Darcell Walker, 8107 Carvel Lane, Houston, Texas 77036.
 Please direct telephone calls to Darcell Walker at (713) 772-1255.

AUS920010442US1

INVENTOR

SIGNATURE: Krishna Kishore Yellepeddy DATE: 7/24/2001

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INVENTOR

SIGNATURE: Rabindranath Dutta DATE: 7/24/01

FULL NAME: Rabindranath Dutta

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Travis County

CITIZENSHIP: India

RECORDATION FORM COVER SHEET
PATENTSTo the Assistant Commissioner of Patents:
documents or copy thereof.

Please record the attached original

1. Name of conveying party(ies):

Krishna Kishore Yellepeddy
Rabindranath Dutta2. Name and address of
receiving party(ies):International Business
Machines Corporation
Armonk, New York 10504

3. Nature of conveyance:

☒ AssignmentExecution Date: 7/24/01, 8/2/01

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the
Execution date of the application is 7/24/01, 7/27/01

A. Patent Application No. (s)

B. Patent No. (s)

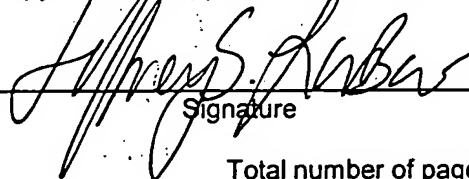
5. Name and address of party to whom
correspondence concerning document
should be mailed:Jeffrey S. LaBaw
IBM Corporation
Intellectual Property Law
Internal Zip 4054
11400 Burnet Road
Austin, TX 78758
(512) 823-04946. Total number of applications
and patents involved: 17. Total fee (37 CFR 3.41) \$ 40.00☒ Authorized to be charged to
deposit account

8. Deposit account number:

09-0447

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the forgoing information is true and
correct and any attached copy is a true copy of the original document.Jeffrey S. LaBaw
Name of Person Signing
Signature8/13/01
DateTotal number of pages including cover sheet: 3

AUS9-2001

0442

ASSIGNMENT

Whereas, we,

(1) Krishna Kishore Yellepeddy

of Austin
and State of Texas

and

(2) Rabindranath Dutta of
County of Travis and State of Texas

executed a United States patent application entitled "A Method and System for Optimizing Energy Consumption and Cost" (Docket No. AUS9-2001-0442) therefore on (Date Inventor Signed Declaration)

(1) 7/24/2001, 2001; and (2) 7/24/2001, 2001.

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefore;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, I, the above named, hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and I request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in said application to IBM, its successors and assigns; and I hereby agree that IBM may apply for foreign Letters Patent on said invention and I will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

(1) Signed at Austin on 7/24, 2001.

Krishna Kishore Yellepeddy
Krishna Kishore Yellepeddy

(2) Signed at _____ on _____, 2001.

ASSIGNMENT

Whereas, we,

(1) Krishna Kishore Yellepeddy of
County of Travis and State of Texas

and

(2) Rabindranath Dutta of
County of Travis and State of Texas

executed a United States patent application entitled "A Method and System for Optimizing Energy Consumption and Cost" (Docket No. AUS9-2001-0442) therefore on (*Date Inventor Signed Declaration*)

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Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, I, the above named, hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and I request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in said application to IBM, its successors and assigns; and I hereby agree that IBM may apply for foreign Letters Patent on said invention and I will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

(1) Signed at _____ on _____, 2001.

Krishna Kishore Yellepeddy

(2) Signed at AUSTIN on 8/2, 2001.

Rabindranath Dutta
Rabindranath Dutta